

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 665 & 757

## 93RD GENERAL ASSEMBLY

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Reported from the Committee on Agriculture, Conservation, Parks and Natural Resources, February 23, 2006, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

3284S.05C

### AN ACT

To repeal sections 252.040 and 252.043, RSMo, and to enact in lieu thereof three new sections relating to poaching, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 252.040 and 252.043, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 252.038, 252.040,  
3 and 252.043, to read as follows:

**252.038. 1. In addition to the penalties provided in section**  
2 **252.040, any person convicted of taking, killing, possessing, or disposing**  
3 **of a deer with the intent to sell any part of such deer in violation of**  
4 **methods, seasons, and limits as defined and permitted by commission**  
5 **rules and regulations, may be required to provide restitution to the**  
6 **state in an amount as follows:**

7       **(1) For each antlered deer with a certified Boone & Crockett**  
8 **gross score of at least one hundred points and not more than one**  
9 **hundred twenty-five points, up to one thousand five hundred dollars;**

10       **(2) For each antlered deer with a certified Boone & Crockett**  
11 **gross score of at least one hundred twenty-five points and not more**  
12 **than one hundred fifty points, up to three thousand dollars;**

13       **(3) For each antlered deer with a certified Boone & Crockett**  
14 **gross score of at least one hundred fifty points and not more than one**  
15 **hundred seventy points, up to five thousand five hundred dollars;**

16       **(4) For each antlered deer with a certified Boone & Crockett**  
17 **gross score of one hundred seventy points or more, up to seven**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 **thousand five hundred dollars.**

19 **2. Moneys collected under this section shall be transferred to the**  
20 **state school moneys fund as established in section 166.051, RSMo, and**  
21 **distributed to the public schools of this state in the manner provided**  
22 **in section 163.031, RSMo.**

23 **3. A resident landowner, as defined by the commission, shall not**  
24 **be required to provide restitution to the state under this section for the**  
25 **taking, killing, possessing, or disposing of a deer in violation of**  
26 **commission rules and regulations on such landowner's property,**  
27 **provided that no part of such deer is removed from such property.**

252.040. 1. No wildlife shall be pursued, taken, killed, possessed or  
2 disposed of except in the manner, to the extent and at the time or times  
3 permitted by such rules and regulations; and any pursuit, taking, killing,  
4 possession or disposition thereof, except as permitted by such rules and  
5 regulations, are hereby prohibited.

6 **2. Any person violating this section shall be guilty of a misdemeanor**  
7 **[except that] with the following exceptions:**

8 **(1) Any person violating any of the rules and regulations pertaining to**  
9 **record keeping requirements imposed on licensed fur buyers and fur dealers shall**  
10 **be guilty of an infraction and shall be fined not less than ten dollars nor more**  
11 **than one hundred dollars; and**

12 **(2) Any person violating the provisions of this section while**  
13 **entering or remaining unlawfully upon the real property of another**  
14 **individual shall be subject to a fine of five hundred dollars and shall**  
15 **pay restitution to the property owner for any property damage**  
16 **resulting in a lower property value. If the person who violates the**  
17 **provisions of this section while trespassing does not pay the fine or**  
18 **restitution imposed by the court in the time and manner prescribed by**  
19 **the court, the court shall notify the commission of such person's actions**  
20 **for the commission's consideration of the suspension, revocation, or**  
21 **denial of such person's permit or privilege to pursue, take, kill, possess,**  
22 **or dispose of wildlife.**

252.043. 1. The commission may suspend, revoke or deny a hunting  
2 permit or privilege for a maximum of five years when a person, while hunting,  
3 inflicts injury by firearm or other weapon to another person who is mistaken for  
4 game. No suspension, revocation or denial shall occur until an opportunity has

5 been afforded for a hearing before the commission. Any person who is determined  
6 by the commission to have inflicted injury by firearm or other weapon shall be  
7 required to successfully complete a department-approved hunter safety course  
8 before his or her hunting permit or privilege shall be restored. The commission's  
9 proceeding shall be a contested case pursuant to chapter 536, RSMo, and any  
10 person aggrieved by a final decision shall be entitled to judicial review as  
11 provided in chapter 536, RSMo.

12 **2. If any person fails to appear at a hearing or fails to pay a fine**  
13 **imposed for any violation of section 252.040, the court shall notify the**  
14 **commission of such person's actions for the commission's consideration**  
15 **of the suspension, revocation, or denial of such person's permit or**  
16 **privilege to pursue, take, kill, possess, or dispose of wildlife.**

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Bill

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